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DECLARATION OF DAVID H. SITRICK
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David H. Sitrick)
)
 For: SYSTEM AND METHODOLOGY)
 FOR MUSICAL)
 COMMUNICATION AND)
 DISPLAY)
 Serial Number: 09/492,218)
)
 Filed: January 27, 2000)
)
 Examiner: M. Fletcher)
)
 Art Unit: 2837)
)
 Attorney Docket: STD 1757)

DECLARATION UNDER 37 CFR 1.131

Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

I, David H. Sitrick, hereby declare and say that:

- 1) I am an attorney at law and a member of the firm of Sitrick & Sitrick whose offices are located at 8340 N. Lincoln Avenue in Skokie, Illinois. I am registered to practice before the United States Patent & Trademark Office, having been awarded Reg. No. 29,349. I have power of attorney to prosecute the above application. I am also the sole inventor on the above-referenced patent application. This application was filed on January 27, 2000, and issued on March 17, 1998.
- 2) On an Office Action for the above application, dated October 22, 2002, the Examiner cited the Romero et al U.S. patent no. 5,760,323 as a basis of rejection under 35 USC section 103. The Romero et al patent has a priority filing date of

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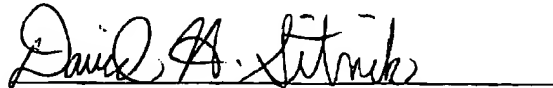
June 20, 1996 and an issue date of June 2, 1998, and is thus not prior art, and the present Applicant can and hereby does swear back of the Romero et al patent as a reference, by means of this Declaration filed pursuant to Rule 131 (37 CFR 1.131) and the MPEP.

- 3) The above referenced patent application of the present Applicant has a priority filing date of July 10, 1996 and an issue date of March 17, 1998.
- 4) The following facts establish conception of the invention prior to the effective date of the Romero et al reference coupled with due diligence from prior to June 20, 1996 to the filing of the application on July 10, 1996.
- 5) Attached hereto as Exhibit A is a printout of the computer file folder containing formal drawings of the above referenced patent application, dated as last modified on December 6, 1995.
- 6) Attached hereto as Group Exhibit B is a printout of ten pages representing the eleven figures/drawings in the computer file folder for the above referenced patent application, said drawing files dated as last modified on December 6, 1995 and December 7, 1995.
- 7) By this Declaration, the rejection of above referenced patent application as based upon the Romero et al U.S. patent no. 5,760,323 is hereby overcome in accordance with 37 CFR 1.131, by swearing back of the reference.
- 8) I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements were made with the knowledge that willful false statements and

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the like so made are punishable by fine or imprisonment, or both, under §1001 of
Title 18 of the United States Code, and that such willful false statements may
jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



David H. Sitrick
Reg. No. 29,349

February 5, 2003

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